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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/045,989	Applicant(s) AGRAWAL ET AL.	
	Examiner UZMA ALAM	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,6-11,16-23 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,6-11,16-23 and 25-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is responsive to the arguments filed January 14, 2008. Claims 1, 6-11, 16-23, 25-32 are pending. Claims 1, 6-11, 16-23, 25-32 represent method and apparatus for reporting and analyzing network performance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 6-11, 16-23, 29 and 30-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Devine et al. US Patent No. 6,631,401. Devine et al. teaches the invention as claimed including a method for requesting and creating reports (see abstract).

2. As per claim 1, Devine et al. teaches a method for user-configured network analysis reporting, comprising:

(a) identifying a plurality of templates provided based on user input [user has access to various templates including Traffic information templates; column 7, lines 26-47; column 11, lines 60-67; column 8, lines 1-25; column 16, lines 21-34; column 20, lines 52-67];

(b) querying a database for network traffic information based on the identified templates [report manager utilizes a database; column 12, lines 46-67; column 16, lines 41-67; column 17, lines 34-67; column 18, lines 1-17];

(c) populating the templates with the network traffic information [information used to fill reports; column 14, lines 26-43]; and

(d) reporting the network traffic information over a network utilizing the populated templates [source of data is uploaded to client via a network; column 13, lines 30-47]

wherein the reporting includes displaying a graphical user interface reflecting the populated templates [GUI display of reports; column 14, lines 26-67; column 18, lines 18-42];

wherein the templates are generated based on a plurality of user-configured parameters including network portions to be reported, a format of reporting, or a time period, where the traffic information comes from, what type of traffic information is used, and to what location the network traffic information is written [format types column 13, lines 26-41; column 18, lines 46-67; column 20, lines 42-50].

As per claim 6, Devine et al. teaches the method as recited in claim 1, wherein the templates include templates of a first type and templates of a second type (column 7, lines 26-47; column 11, lines 60-67; column 8, lines 1-25; column 16, lines 21-34; column 20, lines 52-67).

As per claim 7, Devine et al. teaches the method as recited in claim 6, wherein the templates of the first type and the templates of the second type differ with respect to a versatility

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thereof (column 12, lines 46-67; column 16, lines 41-67; column 17, lines 34-67; column 18, lines 1-17).

As per claim 8, Devine et al. teaches the method as recited in claim 6, wherein the templates of the first type and the templates of the second type differ with respect to a format thereof (column 13, lines 26-41; column 18, lines 46-67; column 20, lines 42-50).

As per claim 9, Devine et al. teaches the method as recited in claim 6, wherein the templates of the first type are populated with the network traffic information utilizing a first module (information used to fill reports; column 14, lines 26-43).

As per claim 10, Devine et al. teaches the method as recited in claim 6, wherein the templates of the second type are 2 populated with the network traffic information utilizing a second module (information used to fill reports; column 14, lines 26-43).

3. Claims 11, and 16-21 are rejected with the same logic as claims 1, and 3-10 because they are drawn to a computer program product and system with the same limitations as claim 1-10.

As per claim 22, Devine et al. teaches a method for user-configured network analysis reporting, comprising:

(a) determining whether a network analysis reporting system is operating in a report

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mode or edit mode [user has access to various templates including Traffic information templates; column 7, lines 26-47; column 11, lines 60-67; column 8, lines 1-25; column 16, lines 21-34; column 20, lines 52-67];

(b) if the network analysis reporting system is operating in the report mode, identifying a plurality of existing templates [Figure 2, user input, pp 0121, 0079, 0081, 0115, 0126, claim 29];

(c) if the network analysis reporting system is operating in the edit mode, creating a plurality of templates based on user input [Figure 2, user input, pp 0121, 0079, 0081, 0115, 0126, claim 29];

(d) querying a database for network traffic information [report manager utilizes a database; column 12, lines 46-67; column 16, lines 41-67; column 17, lines 34-67; column 18, lines 1-17];

(e) populating the templates with the network traffic information [information used to fill reports; column 14, lines 26-43]; and

(f) reporting the network traffic information over a network utilizing the populated templates [utilize real time data collected from modules, pp 0159];

wherein the reporting includes displaying a graphical user interface reflecting the populated templates [display, Figure 4, pp 0065];

wherein the templates are generated based on a plurality of user-configured parameters selected from the group consisting of network portions to be reported, a format of reporting, or a time period [format types column 13, lines 26-41; column 18, lines 46-67; column 20, lines 42-50].

As per claim 23, Devine et al. teaches a method for user-configured network analysis reporting, comprising:

- (a) displaying an interface (GUI column 13, lines 65-67; column 14, lines 1-6);
- (b) determining whether the interface is operating in a report mode or edit mode (column 14, lines 26-40);
- (c) if the interface is operating in the edit mode:
 - (i) receiving input from a user [column 14, lines 30-40];
 - (ii) generating a parameter file based on the input (column 14, lines 40-45);
 - (iii) validating the parameter file (column 14, lines 45-50); and
 - (iv) storing the parameter file (column 14, lines 50-55); and
- (d) if the interface is operating in the report mode:
 - (i) identifying a user (column 14, lines 30-40);
 - (ii) locating a parameter file (column 14, lines 40-45); and
 - (iii) generating a report based on the parameter file by:
 - 1) identifying templates in the parameter file (column 14, lines 50-55);
 - 2) retrieving templates of a first type from a first module (column 14, lines 50-55);
 - 3) retrieving templates of a second type from a second module (column 15, lines 15-65)
 - 4) querying a database [report manager utilizes a database; column 12, lines 46-67; column 16, lines 41-67; column 17, lines 34-67; column 18, lines 1-17]; and

6) populating the templates utilizing network traffic information retrieved in response to the querying [information used to fill reports; column 14, lines 26-43];

(iv) displaying the populated templates [display, Figure 4, pp 0065];
wherein the templates are generated based on a plurality of user-configured parameters selected from the group consisting of network portions to be reported, a format of reporting, or a time period [format types column 13, lines 26-41; column 18, lines 46-67; column 20, lines 42-50].

As per claim 29, Devine et al. teaches the method as recited in claim 28 wherein the database is populated according to a minute time interval (column 14, lines 26-43).

As per claim 30, Devine et al. teaches the method as recited in claim 1 wherein the templates specify a manner in which the network traffic information is extracted from the database and a manner in which the network traffic information is reported information used to fill reports (column 12, lines 46-67; column 16, lines 41-67; column 17, lines 34-67; column 18, lines 1-17).

As per claim 31, Devine teaches the method as recited in claim 1, wherein the user-configured parameters are validated (column 6, lines 25-55; column 8, lines 19-67; column 22, lines 1-20)

As per claim 32, Devine teaches the method as recited in claim. 1, wherein the parameters are used for looping (column 22, lines 21-67).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 25-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Devine et al. US Patent No. 6,631,401 in view of Kryskow US Patent Publication No. 2003/0053466. Devine et al. teaches the invention as claimed including a method for requesting and creating reports (see abstract). Kryskow teaches the invention as claimed including a method of measuring bandwidth and reporting the results (see abstracts).

As per claim 25, Devine et al. teaches the method as recited in claim 1. Devine doesn't teach wherein the reporting includes a graph displaying error segments for a predetermined period of time. Kryskow teaches wherein the reporting includes a graph displaying error segments for a predetermined period of time (Figure 4, 0079-0080, Figure 6). It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the reporting of Devine with the reporting of Kryskow. The additional reporting of Kryskow allows for a more specific report. This, it would have been obvious to one of ordinary skill in the art to combine the further reports of Kryskow in the already existing report of Devine to improve the type of report the user receives.

As per claim 26, Devine et al. teaches the method as recited in claim 1. Devine does not teach wherein the reporting includes a graph displaying a list of busiest servers for a predetermined period of time. Kryskow teaches wherein the reporting includes a graph displaying a list of busiest servers for a predetermined period of time (Figure 4, pp 0079-0080).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to combine the reporting of Devine with the reporting of Kryskow. The additional reporting of Kryskow allows for a more specific report. This, it would have been obvious to one of ordinary skill in the art to combine the further reports of Kryskow in the already existing report of Devine to improve the type of report the user receives.

As per claim 27, Devine et al. teaches the method as recited in claim 1. Devine does not teach wherein a plurality of monitoring agents are utilized to monitor the network traffic information. Kryskow teaches wherein a plurality of monitoring agents are utilized to monitor the network traffic information (pp 0064, 0065). It would have been obvious to one of ordinary skill in the art to combine monitoring of Devine with the plurality of monitoring agents of Kryskow.

The element of monitoring traffic and the element of using a plurality of monitoring agent are both known in the prior art and one skilled in the art could have combined the known function of monitoring with the known element of monitoring with multiple agents as claimed with no change in the function of monitoring, and the combination would have yielded the predictable result of monitoring traffic to one of ordinary skill in the art at the time of the invention.

As per claim 28, Devine et al. teaches the method as recited in claim 27. Devine does not teach wherein the plurality of monitoring agents write the network traffic information to files which are utilized to populate the database. Kryskow teaches wherein the plurality of monitoring agents write the network traffic information to files which are utilized to populate the database (pp 0064, 0070).

The element of monitoring traffic and the element of using a plurality of monitoring agent are both known in the prior art and one skilled in the art could have combined the known function of monitoring with the known element of monitoring with multiple agents as claimed with no change in the function of monitoring, and the combination would have yielded the predictable result of monitoring traffic to one of ordinary skill in the art at the time of the invention.

Response to Arguments

6. Applicant's arguments filed January 14, 2008 have been fully considered but are not persuasive.
7. The Office notes the following arguments in the response dated January 14, 2008, the reference Devine does not teach:
 - a. Identifying a plurality of templates based on user input.
 - b. Querying a database for network traffic information based on the identified templates.
 - c. Populating the templates with network traffic information.

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- d. A technique wherein the templates are generated
 - e. A technique wherein the templates are generated based on a plurality of user-configured parameters including network portions to be reported, a format of reporting, or a time period, where the traffic information comes from, what type of traffic information is used, and to what location the network traffic information is written.
 - f. Determining whether a network analysis reporting system is operating in a report mode or edit mode.
 - g. Validating a parameter file.
 - h. Identifying templates in the parameter file and retrieving templates of a first type from a first module.
 - i. Retrieving templates of a second type from a second module.
 - j. Wherein the templates include templates of a first type and templates of a second type.
 - k. wherein the templates of the first type and the templates of the second type differ with respect to a format thereof.
8. In response to the arguments, the reference Devine teaches
- a. Identifying a plurality of templates based on user input. Devine teaches this in column 20, lines 51-64 where there is a list of templates that is chosen based on a user request. Also, column 22, lines 20-52 and column 10, lines 35-50 and Figure 7a teach a list of templates or reports which are chosen by the user. The user requests a report and receives a list of reports available to him. It then chooses one of the reports. Relating the list of reports after a request

from the user to the user teaches the limitation of identifying a plurality of templates based on user input.

b. Querying a database for network traffic information based on the identified templates in column 7, lines 43-59, column 16, lines 39-67 and column 17, lines 1-32. Also, Figure 7c shows running the report and populating the report. Devine teaches that the report data is gathered based on the template selected or created by the user.

c. Populating the templates with network traffic information in column 7, lines 39-59 and Figure 7c. The Traffic Analysis report runs a report which deals with traffic information.

d. A technique wherein the templates are generated in Figure 7a where Devine shows that the templates or reports are selected from an inventory of reports. This selection of a report teaches generating a template.

e. A technique wherein the templates are generated based on a plurality of user-configured parameters including network portions to be reported, a format of reporting, or a time period, where the traffic information comes from, what type of traffic information is used, and to what location the network traffic information is written in Figure 7b and respective portions of the detailed description. The report is formatted and customized. This customization information includes report type, data location, scheduling selections, user defined criteria and other options, see column 24, lines 25-50. This teaches that the templates are generated based on a plurality of user-configured parameters

f. Determining whether a network analysis reporting system is operating in a report mode or edit mode in Figures 7b and 7c. Figure 7b shows that the report is being customized, or edited. if the report is not being customized, there is an option to run the report. This would

teach the report mode. Hence, the Edit mode of the claim is taught by the customization option of Devine and the Report mode of the claim is taught by the Run option of Devine.

g. Validating a parameter file in column 6, lines 25-55; column 8, lines 49-67 and in column 22, lines 1-20. The cited passages of Devine teach that parameter requested by the client is a valid one.

h. Identifying templates in the parameter file and retrieving templates of a first type from a first module in column 20, lines 50-61 and column 22, lines 35-49. In these cited portions, Devine teaches that different templates are obtained from different servers and the different templates contain different data.

i. Retrieving templates of a second type from a second module in column 20, lines 50-61 and column 22, lines 35-49. In these cited portions, Devine teaches that different templates are obtained from different servers and the different templates contain different data.

j. Wherein the templates include templates of a first type and templates of a second type in column 20, lines 50-61 and column 22, lines 35-49. In these cited portions, Devine teaches that different templates are obtained from different servers and the different templates contain different data.

k. wherein the templates of the first type and the templates of the second type differ with respect to a format thereof in in Figure 7b and respective portions of the detailed description. The report is formatted and customized. This customization information includes report type, data location, scheduling selections, user defined criteria and other options, see column 24, lines 25-50. The different templates differ in format based on the customization set by the user. This changes the format of each template.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uzma Alam whose telephone number is (571)272-3995. The examiner can normally be reached on Mondays and Tuesdays 5:30 - 2.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Uzma Alam

/U. A./

Examiner, Art Unit 2157

March 25, 2008

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157